

## **Invitation to lodge a claim. Time limits to be observed!**

Aufforderung zur Anmeldung einer Forderung. Etwaige Fristen beachten!

Opfordring til anmeldelse af fordringer. Vær opmærksom fristerne!

Invitation to lodge a claim. Time limits to be observed!

Kehotus saatavan ilmoittamiseen. Noudatettavat määräajat!

Invitation à produire une créance. Délais à respecter!

Προσκληση για αναγγελια απαιτησεως. Προσοχη στις προδεσμεις.

Invito all'insinuazione di un credito. Termine da osservare!

Oproep tot indiening van schuldvorderingen. In acht te nemen termijnen!

Aviso de reclamação de créditos. Prazos legais a observar!

Anmodan att anmäla fordran. Tidsfrister att iakttä!

Convocatoria para la presentación de créditos. Plazos aplicables!

Výzva k přihlášení pohľadávky. Dodržiavajte príslušné lehoty!

Poziv za prijavo terjatve. Upoštevajte morebitne roke.

Felszólítás követelések bejelentésére. Kérjük, hogy az esetleges határidőket vegyék figyelembe !

Wezwanie do zgłoszenia wierzytelności. Uwzględnąć ewentualne terminy!

Täitekutse nõude esitamiseks. Jälgige tähtaegu !

Pieprasījums pieteikt prasību. Jāievēro noteiktie laika limiti!

Reikalavimas registruoti prašymą. Prašom laikytis nurodytą datų !

Výzva k přihlášení pohľadávky. Všimněte si případných lhůt!

## **Filing of claims in bankruptcy proceedings**

### 1. Purpose for filing a claim:

A creditor who seeks to be satisfied by the bankrupt's estate must file his claim against the estate in bankruptcy proceedings even if a lawsuit is pending on that or there is already a judgement. As to a bankruptcy concerning the assets of a natural person the non-filing may cause further prejudicial consequences to the creditor in case a payment plan is reached or absorptive proceedings are instituted.

### 2. What claims ?

The invitation to file a claim concerns claims against the bankrupt's estate. These are proprietary rights being due to the creditor already at the time of adjudication in bankruptcy.

This is irrespective of the fact that a claim is covered by a preferential right (e.g. lien, reservation of title). Thus it can be enforced nevertheless as a claim against the bankrupt's estate.

If a claim being covered by a preferential right is not filed this does not exercise any influence on the existence of the preferential right.

### 3. When ?

Claims have to be filed within the filing-term being indicated in the bankruptcy edict. In case of a belated filing the creditor must bear the costs of an extraordinary examination hearing which has been created by that lateness. The obligation to bear these costs is set aside only if an earlier filing has been impossible for the creditor. The creditor must state such an impossibility together with the filing and prove it during the subsequent examination hearing at the latest. Claims which have been filed later than fourteen days before the examination of the final account cannot be considered any more in bankruptcy proceedings.

### 4. Where ?

Claims must be filed to the court which has made the adjudication in bankruptcy (bankruptcy court).

## 5. How ?

Claims against the bankrupt's estate must be filed in writing. The enforcement has to be made in domestic currency (Euro) being the date of adjudication in bankruptcy as decisive for the conversion. In the filed application the amount of the claim, the facts as its basis and the pieces of evidence which can be produced to prove the alleged claim must be indicated.

The application and any documents being enclosed must be lodged in 2-fold. Creditors are obliged to take along all the documents proving their claim on the occasion of the first meeting of creditors so far as they did not submit them previously together with the filing of the claim (creditors of the bankrupt's estate abroad: also see item 9).

## 6. Costs when filing a claim:

The application fee amounts to 19 Euro. It can be settled by payment into the postal giro account with the bankruptcy court, by debit order or withdrawal mandate, by cash payment in the bankruptcy court and by using bank cards bearing a function for cash dispensers or credit cards in the bankruptcy court. Account numbers can be found in the court data bank on the homepage of the Federal Ministry of Justice under "[www.bmj.gv.at](http://www.bmj.gv.at)".

## 7. Notes concerning bankruptcies as to the assets of natural persons ("private bankruptcy"):

Claims (e.g. liens) to incomes based on an employment and to other recurrent services creating a compensation must be filed within the filing-term to the bankruptcy court. They will lapse if they are not enforced until the vote on a payment plan, save the income is received in a member state of the EU with the exception of Denmark. In case the hearing on the payment plan must be adjourned by reason of the belated enforcement of such a claim the creditor has to bear the costs of the adjourned hearing on the payment plan.

## 8. Notes concerning employees:

Claims to insolvency-deficit must be enforced within six months from the adjudication in bankruptcy at the competent office of the "IAF-Service-GmbH" or in the bankruptcy court, otherwise they will be precluded.

## 9. Notes concerning creditors of the bankrupt's estate abroad:

Creditors of the bankrupt's estate having their domicile or establishment abroad must name an authorized person residing at home for the service of documents, in default whereof such a person is appointed by the bankruptcy court for their account and at their risk.

Filing of claims must be drawn up in German !

### **Complementary notes concerning creditors of the bankrupt's estate in the EU (with the exception of Denmark):**

Only creditors having their common whereabouts, domicile or residence in a member state of the EU (with the exception of Denmark) can lodge their claim also in the official language of their state. But also in this case the filing of claims must contain the head "Anmeldung einer Forderung" in German and the court may request a translation of the application from the creditor. Additionally the creditors from EU-member states (with the exception of Denmark) must submit in any case the existing documentary proofs together with the filing of claims to the bankruptcy court.

## 10. Insolvency data file:

Information about the progress of the proceedings may be called up free of charge in the insolvency data file being accessible under the internet address "[www.edikte.justiz.gv.at](http://www.edikte.justiz.gv.at)".